



UNIVERSITY OF TARTU
School of Law

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sedi**
EUROPEAN
SOCIETY OF
INTERNATIONAL
LAW



ESIL RESEARCH FORUM

Venue

Ülikooli 18, Tartu, ESTONIA
(Main building of the University of Tartu)

Dates

27-28 April 2023

The organization of the research forum is financially supported by grant PRG969 of the Estonian Research Council

Programme

Thursday 27 April 2023

8:00-9:00 Registration

9:00-10:30 Words of welcome (*Toomas Asser*, Rector of the University of Tartu (online greeting); *Pierre d'Argent*, President of ESIL, University of Louvain; *Lauri Mälksoo*, University of Tartu),

followed by a keynote by

Angelika Nussberger (University of Cologne) "Russia and the Council of Europe 1996-2022: Lessons Learned in International Law and Human Rights Protection".

Discussant: Veronika Bilková (Charles University).

10:30-11:00 *Coffee break*

11:00-12:30 Parallel panels 1 & 2

Panel 1 Human Rights

Chair: Gleider Hernández (KU Leuven)

- 1) Işıl Aral (Koç University), A New Tipping Point for the Council of Europe: The Substantive and Symbolic Grounds of Russia's Expulsion
- 2) Lora Izvorova (University of Cambridge; Human Rights Nudge Project), The Failed Internalisation of the European Convention on Human Rights in Russia
- 3) Anastasiia Vorobiova (Polish Academy of Sciences), Russian memory laws and subsequent wars: implications for international human rights law and humanitarian law

Discussant: Veronika Fikfak (University of Copenhagen; UCL)

Panel 2 Aggression and IHL

Chair: Ganna Yudkivska (Former Judge of the ECtHR; Director of the Centre de la Protection Internationale)

- 1) Felix Herbert (Max Planck Institute for Comparative Public Law and International Law; Heidelberg), The implications for international law of Russia's aggression against Ukraine since 2014 and 2022 – What role for *ius cogens*?
- 2) Saskia Millmann; Pia Hüscher (both University of Glasgow), Civilian non-violent defence against Russian Warfare – Eastern European strategies and the gap between civilians and combatants in Customary IHL
- 3) Sebastiaan van Severen (Ghent University), Combatant status in Ukraine: Russian approaches to IHL in the 21st Century

Discussant: René Värk (University of Tartu)

12:30-14:00 *Lunch*

14:00-15:30 Parallel panels 3 & 4

Panel 3 *Russian Approaches to International Law 1*

Chair: Christian Tams (University of Glasgow)

- 1) Anna Dolidze (Rabdan Academy), What Is “Special Operation”: Russia’s Efforts to Create International Law Language
- 2) Sergii Masol (University of Cologne), Divergent Understandings of Genocide in Russia, Ukraine and the West: A Comparative International Law Perspective
- 3) Sevanna Poghosyan (University of Tartu), The evolution of the question of democracy in Russia from an international legal perspective
- 4) Victor Santos Mariottini de Oliveira (Geneva Graduate Institute), Russia’s Passportization and the Pitfalls of “Personal Annexation” in the Post-Soviet Space: Recasting the Limits of Nationality Attribution in International Law?

Discussant: Caroline von Gall (Goethe-University Frankfurt)

Panel 4 *International Trade and Sanctions*

Chair: Edouard Fromageau (University of Aberdeen)

- 1) Diāna Kamiševa (Riga Stradins University), The role and contestation of sanctions in contemporary international law and practice
- 2) Daria Klimova El Moukahal (Nizhny Novgorod State University and Paris Panthéon-Assas University), The Consequences of Anti-Russian Sanctions for Russian and International Trade Law Developments
- 3) Silvia Nuzzo (University of Neuchâtel), Commitments on Technical Barriers to Trade in Association Agreements with Eastern European Countries: Towards International or Regional Convergence?

Discussant: Inga Martinkute (University of Vilnius)

15:30-16:00 *Coffee break*

16:00-17:45 Parallel panels 5 & 6

Panel 5 *International adjudication*

Chair: Adriana Di Stefano (University of Catania)

- 1) Milosz Gapsa (University of Lodz), Lawfare-ish provisional measures? Similarities and differences in Ukraine’s approach after 2014 and 2022 Russia’s aggressions
- 2) Javier Garcia Olmedo (University of Luxembourg), Invoking Denial of Benefits Clauses in Wartime: Lessons from the Ukrainian Crisis
- 3) Michal Jakub Swarabowicz (University of New South Wales), Doing business in Eastern Europe and Eurasia: realities of power in post-communist States seen through the lens of international adjudication
- 4) Cristina Teleki (Geneva Graduate Institute/University of Maastricht), The Conversational Nature of International Law – Cause-Lawyering between Lawfare and Attrition

Discussant: Pierre d’Argent (ESIL President; University of Louvain)

Panel 6 Russian approaches to International Law 2

Chair: Merilin Kiviorg (University of Tartu)

- 1) Liliya Khasanova (Berlin Potsdam Research Group; Free University Berlin), Conceptual Discrepancies in Western and Russian Approaches to International Law in Cyber [Information] Space
- 2) Dmitry Kurnosov (University of Helsinki), Towards a Normative Framework for Tackling State-Sponsored Electoral Disinformation in Europe
- 3) Frederik Rogiers (Ghent University), From law-making to lawfare, the evolution of Russia's approach to international law of the sea

Discussant: Maris Lejnieks (University of Latvia)

19:00 *Reception and buffet dinner at the University of Tartu Museum* (address: Lossi 25)

Friday 28 April 2023

09:00-10:00 Keynote presentation Sergey Sayapin (KIMEP University, Alma-Aty) "Eurasian Integration and Its Law in the Shadow of Russia's War against Ukraine"

10:00-11:30 Parallel panels 7 & 8

Panel 7 Post-Soviet Eurasia

Chair: Neha Jain (European University Institute)

- 1) Rustam Atadjanov (KIMEP University; Alma-Aty), Implementation of IHRL in Emergency Situations and Situations of Violence: Central Asian Experience
- 2) Janina Barkholdt (Associate Legal Office at the ICJ), Unwritten rules of regional international law – Between integration and hegemony?
- 3) Florian Kriener; Leonie Brassat (both Max Planck Institute for Comparative Public Law and International Law; Heidelberg), Quashing dissent abroad: The CSTO's intervention in Kazakhstan

Discussant: Daniel-Erasmus Khan (University of Bundeswehr; Munich)

Panel 8 Territoriality in Eurasia

Chair: Pierre Thévenin (University of Tartu)

- 1) Antal Berkes (University of Liverpool), International law without statehood: the outlier application of international law in Eurasian de facto regimes
- 2) Sara Eftekhar Jahromi (KU Louvain), Aktau Convention: Gaps and Innovation(s)
- 3) Júlia Miklasová (University of Cologne), Secession in the Post-Soviet Space: Prevalence of Universal Trends and Russia as a Distinct Outlier

Discussant: Tiina Pajuste (University of Tallinn)

11:30-12:00 *Coffee break*

12:00-13:00 Panel 9 The Future of International Law in Post-Soviet Eurasia

Chair: Katre Luhamaa (University of Tartu)

- 1) Artur Simonyan (University of Tartu), Regional integration processes in post-Soviet Eurasia and its implications for (regional) international law
- 2) Cindy Wittke (IOS Regensburg) (Re)Ordering post-Soviet Eurasia: Navigating Complexity and Investigating Multiscale International and Domestic Law Nexuses

Discussant: Mykola Gnatovsky (Judge at the ECtHR)

13:00-13:15 Research forum finishes

13:15-14:30 *Lunch*

14:30-18:30 ESIL Board meeting